

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:)
JAMES HORACE HAM, JR) Case No. 18-14482-JDL
Debtor(s)) Chapter 13

MOTION FOR CONTINUATION OF THE AUTOMATIC STAY,
SUPPORTING MEMORANDUM AND NOTICE OF OPPORTUNITY FOR HEARING
AND NOTICE OF HEARING

COMES NOW the above-named Debtor(s), by and through his attorney of record and, pursuant to Title 11 U.S.C. §§362(c)(3) and (4), requests that the automatic stay be extended and in support hereof states:

1. Debtor filed one previous Chapter 13 in Case No. 16-12423-JDL on June 23, 2016. The case was confirmed August 4, 2016 the case was dismissed for failing to pay his plan payments on January 23, 2018. In the previous case, the Debtor was attempting to save his home from foreclosure. After filing the case, the Debtors lost commission income and was unable to make the plan payments.
2. The Debtor has filed his new case with counsel to save his home from foreclosure. Since his last filing Debtor has sufficient income to pay the plan payment and he believes he can make the required plan payment based on his present income.
3. Attached hereto is the affidavit of **JAMES HORACE HAM, JR** attesting to the above facts.

Supporting Memorandum

Title 11 U.S.C. 362(c)(3) provides that the automatic stay of this section shall only apply for thirty days after a case is filed if the debtors had been in a case pending within the one-year period preceding the filing of a second case. Section 362(c)(3)(B) provides that the stay may be extended if, on the motion of a party in interest shows in a hearing conducted before expiration of the thirty-day period after the second case is filed that the later case is filed in good faith.

Debtor believes the facts stated in his affidavit demonstrate that this second case was not filed in bad faith.

Accordingly, the Debtor requests that the automatic stay be extended as to all their creditors for the reason that he intends to pay her creditors in accordance with her ability.

Dated: October 25, 2018.

Respectfully submitted,

/s/ Chris Mudd

CHRIS MUDD, OBA#14008

Attorney for the Debtor(s)

3904 N.W. 23rd Street

OKC, OK 73107

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Notice of Hearing

All interested parties are hereby notified that a hearing on the above Motion to Extend Automatic Stay is set on November 20, 2018 at 2:00 p.m., before the Hon. Janice D. Loyd, 215 Dean McGee Ave, 2nd Floor Courtroom, Oklahoma City, Oklahoma 73102.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

CERTIFICATE OF MAILING

I certify that on the 25th day of October, 2018, a true and correct copy of the above Motion was electronically served using the CM/ECF system, namely: John Hardeman, Chapter 13 Trustee. Further, I certify that on the 25th day of October, 2018 copies of the Motion were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following at the addresses shown below:

See Attached Matrix

/s/ Chris Mudd

Chris Mudd, Attorney for Debtor(s)

AFFIDAVIT

My name is **JAMES HORACE HAM, JR.**, and I am the debtor in a chapter 13 case no. 18-1 4482 filed October 25, 2018. I filed one previous Chapter 13 cases No. 16-12423-JDL which was dismissed for failure to make plan payments on January 23, 2018. I believe the situation is corrected by filing this case and I can afford my proposed Chapter 13 plan payment. I have sufficient income to make the plan payment. I am starting a new job with Gallagher Insurance with a salary of \$90,000.00 per year in November 2018. I ask the Court to extend the automatic stay of bankruptcy to allow me to save my home. I intend to make all plan payments as required under a new chapter 13 case.

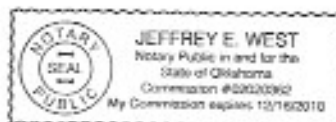
I swear and affirm the foregoing is true and correct to the best of my knowledge and belief.

Further affiant say not.

Dated: October 24, 2018.


JAMES HORACE HAM, JR

Subscribed and sworn before me this 24th day of October, 2018.



 Notary Public

My Commission No. 02020762
My Commission Expires On: 12-16-18

BARCLAY BANK
P O BOX 8801
WILMINGTON DE 19899

CAPTIAL ONE AUTO FINANCE
PO BOX 259407
PLANO TX 75025-9407

CAPTIAL ONE BANK
PO BOX 70884
CHARLOTTE NC 28272

CHASE CARD SERVICES
CORRESPONDENCE DEPT
PO BOX 15298
WILMINGTON DE 19850

CITI BANK SOUTH DAKOTA
4340 S MONACO ST 2ND FL
DENVER CO 80237

CREDIT SERVICE, INC.
ATTN: BANKRUPTCY
PO BOX 60566
OKLAHOMA CITY OK 73146

CREDITONE
PO BOX 605
METAIRIE LA 70004

FIRST PREMIER BANK
ATTN: BANKRUPTCY
PO BOX 5524
SIOUX FALLS SD 57117

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4300 W MEMORIAL RD
OKLAHOMA CITY OK 73120

OKDHS
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PORTFOLIO RECOVERY
PO BOX 41021
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US BANK
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